

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14560 of Dupont Park Seventh Day Adventist Church, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.41 to continue to operate a pre-school and kindergarten consisting of fifty students and two teachers in an R-2 District at the premises 3960 Alabama Avenue, S.E., (Square 5517, Parcel 201/129).

HEARING DATE: Feb. 18, 1987

DECISION DATE: April 1, 1987, April 8, 1987

FINDING OF FACT:

1. A decision on the application scheduled for the public meeting of April 1, 1987 was deferred until the Special Public Meeting of April 8, 1987.

2. The property, known as premises 3960 Alabama Avenue S.E., is located in an R-2 District on the northwest side of the Alabama Avenue between Pennsylvania and Massachusetts Avenues, S.E.

3. The lot contains approximately 48,210 square feet. It is improved with a two story plus basement brick structure was at one time used as a single family dwelling. The structure contains approximately 3,000 square feet of floor area.

4. A two car garage is located at the rear of the school. An adjoining paved area can accomodate two vehicles.

5. Immediately abutting the property to the southwest is a large property used by the Applicant. The abutting property known as 3942 Alabama Avenue, S. E., contains a school for grades k-6 current enrollment is approximately 215 students.

6. In BZA application No. 13837 dated February 4, 1983 the Board approved the use of the site as a pre-school and kindergarten for 50 students and two teachers. In BZA Application No. 13211 the Board approved use of the premises as a pre-school for fifty students for a period of two years.

7. The children enrolled at the facility will be five (5) or six (6) years old. The hours of operation of the facility shall be from 8:30 A.M. to 3:00 P.M.

8 Approximately one-third of the students transported to the school by bus, with the remaining two-thirds arriving by private automobile or other means.

9. The kindergarten facility is required to be licensed by the District of Columbia. The facility has never been licensed. However, the Seventh Day Adventist accreditation is applicable to the school operated by the Applicant on the adjacent site but not to the subject site. The application was referred to the Department of Consumer and Regulatory Affairs ("DCRA") after the public hearing. DCRA did not respond by the April 8, 1987 public meeting.

10. There is no record of complaints concerning the operation of the school. The location of the school, with parkland on one side, the existing school on another and streets and alleys on the remaining sides tends to minimize the potential impacts on nearby properties.

11. By memorandum dated February 11, 1987 the Department of Public Works (DPW) reported that the operation of the school will not have a significant impact on the surrounding street system. To lessen the disruption of traffic on Alabama Avenue the DPW recommended that parents pull into the driveway, which leads from Alabama Avenue to the garage at the rear of the school, when discharging and picking-up children. The DPW further recommended vehicles using the driveway turn around in the space near the garage and not back out into Alabama Avenue. The Board concurs.

12. No report from Advisory Neighborhood Commission, 7B was submitted to the record.

13. Persons who wished to testify either in favor of or in opposition to the application were given an opportunity to do so.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the Applicant is seeking a special exception. In order to be granted such an exception, the Applicant must demonstrate that it has complied with the requirements of Paragraph 3101.41 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the Applicant has have met the burden of proof. The Board concludes that applicant must meet all code and licensing requirements in order to lawfully operate the facility. The application has referred to the Department of Consumer Regulatory Affairs and no evidence

was submitted to the record indicating that the facility could not meet all the necessary requirements. The center will create no objectionable traffic conditions or unsafe condition for picking up and dropping-off children. The center will create no objectionable impacts on adjacent or nearby properties. No off site play area is provided for children enrolled at the facility. No evidence has been submitted to the record to indicate that there is another child development center in the square or within 1,000ft of the subject center. The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with the said Regulations and Maps. It is therefore ORDERED that the application is GRANTED, subject to the following CONDITIONS:

1. Approval shall be for a period of FOUR YEARS from the date of expiration of the previous certificate of occupancy, terminating on September 3, 1990.

2. Approval shall be limited to a school to be operated by this applicant only.

3. The maximum number of students shall be fifty.

4. The number of teachers shall be as required by the regulations of the D.C. Department of Human Services.

VOTE: 4-0 (Carrie L. Thornhill, William F. McIntosh, Paula L. Jewell and Charles R. Norris to grant; Lindsley Williams not present, not voting)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: JUN 2 1987

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14560/DEE1